

kmp7299/MM  
Return Date & Time:  
March 25, 2020 at 10:00AM

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13 Case No: 19-23985

NOTICE OF MOTION

Samantha G. Jenkins,

Debtor(s).

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PLEASE TAKE NOTICE, that upon the within application, the Chapter 13 Trustee will move this court before the Honorable Sean H. Lane U.S. Bankruptcy Judge, at the United States Bankruptcy Court, 300 Quarropas Street White Plains, NY 10601, on March 25, 2020 at 10:00AM , or as soon thereafter as counsel can be heard, for an Order pursuant to 11 U.S.C. §1307(c) for cause, dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the Bankruptcy Court and served upon the Chapter 13 Trustee, Krista M. Preuss, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: White Plains, New York  
January 15, 2020

/s/ Krista M. Preuss  
KRISTA M. PREUSS, CHAPTER 13 TRUSTEE  
399 KNOLLWOOD ROAD, STE 102  
WHITE PLAINS, NY 10603  
(914)328-6333

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UNITED STATES BANKRUPTCY COURT  
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IN RE:

Chapter 13 Case No: 19-23985

Samantha G. Jenkins,

APPLICATION

Debtor(s).

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TO THE HONORABLE, SEAN H. LANE, U.S. BANKRUPTCY JUDGE:

KRISTA M. PREUSS, ESQ., Standing Chapter 13 Trustee in the above-captioned estate,  
respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on November 12, 2019, and, thereafter, KRISTA M. PREUSS was duly appointed and qualified as Trustee.
2. This is the Debtor's sixth bankruptcy case. The Debtor's first case, 07-22719 filed under Chapter 11 on July 31, 2007. The Debtor's Chapter 11 was closed on March 31, 2008. The Debtor's second case, 08-22335 filed under Chapter 7 on March 11, 2008. The Debtor's Chapter 7 was closed on February 26, 2009. The Debtor's third case, 09-22862 filed under Chapter 7 on May 22, 2009. The Debtor's Chapter 7 was dismissed on August 07, 2009. The Debtor's fourth case, 10-22127 filed under Chapter 13 on January 26, 2010. The Debtor's Chapter 13 was dismissed on May 02, 2011. The Debtor's fifth case, 15-22803 filed under Chapter 13 on June 08, 2015. The Debtor's Chapter 13 was dismissed on January 30, 2017.
3. The Debtor has failed to comply with 11 U.S.C. §521(a)(1) and Bankruptcy Rule 1007(b) in that the following required documents have not been filed:
  - a. official Form B22C (CMI), Statement of Monthly Income and Disposable Income pursuant to 11 U.S.C. §521(a)(1)(B)(v);
  - b. complete schedules of assets and liabilities pursuant to 11 U.S.C. §521(a)(1)(B)(i);
  - c. schedules I and J pursuant to 11 U.S.C. §521(a)(1)(B)(ii);
  - d. statement of Financial Affairs pursuant to 11 U.S.C. §521(a)(1)(B)(iii); and
  - e. copies of all payment advices or other evidence of payment for last 60 days before the date of the filing of the petition by the Debtor from any employer of the Debtor pursuant to 11 U.S.C. §521(a)(1)(B)(iv).

4. Furthermore, the Debtor has failed to:
  - a. file a Credit Counseling Certificate as required by 11 U.S.C. §521(b)(1);
  - b. file a Chapter 13 Plan, as required by 11 U.S.C. §1321 and Fed. R. Bankr. P. 3015(b);
  - c. appear and be examined at the Section 341 Meeting of Creditors as required by 11 U.S.C. §343;
  - d. failed to commence making Chapter 13 plan payments to the Trustee, as required by 11 U.S.C. §1326(a)(1);
  - e. provide the Trustee a copy of a federal income tax return or transcript for the most recent year, 7 days before first meeting of creditors pursuant to 11 U.S.C. §521(e)(2)(A)(i).
5. The time limits set forth in Bankruptcy Rule 1007(c) have expired and no extension of time has been granted by the Court.
6. The Debtor's failure to file these items impedes the Trustee's ability to administer this case and, therefore, is a default that is prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).
7. Each of the foregoing constitutes cause to dismiss this Chapter 13 case within the meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Dated: White Plains, New York  
January 15, 2020

/s/ Krista M. Preuss  
Krista M. Preuss, Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13 Case No: 19-23985

Samantha G. Jenkins,

CERTIFICATE OF SERVICE  
BY MAIL

Debtor.

-----X

This is to certify that I, Meghan McCarthy , have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

Samantha G. Jenkins  
24 Montgomery Place  
New Rochelle, NY 10804 10804

PRO SE

This January 15, 2020

s/Meghan McCarthy  
Meghan McCarthy , Case Support  
Office of the Standing Chapter 13 Trustee  
Krista M. Preuss, Esq.  
399 Knollwood Road, Suite 102  
White Plains, NY 10603

CHAPTER 13 CASE NO: 19-23985  
UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

**Samantha G. Jenkins,**

Debtor(s).

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**NOTICE OF MOTION, APPLICATION  
and  
CERTIFICATE OF SERVICE**

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**KRISTA M. PREUSS  
STANDING CHAPTER 13 TRUSTEE  
399 KNOLLWOOD ROAD, SUITE 102  
WHITE PLAINS, NEW YORK 10603  
(914) 328-6333**

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